IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 7043 of 2004

Between:

1 Smt. B. Sarala, W/o. B. Govindu,
M.P.T.C. Member, Guntakal, R/o. Dr.No.1-20, G. Kottala.
Guntakal Mandal, Ananthapur District.
2 Smt. Y. Saraswathi, W/o. Y. Gangaraju,
Vidya Committee, R/o. Dr.No.2-70, G. Kottala. Guntakal Mandal,

Ananthapur District.
3 P. Suryanarayana, S/o. P. Ranganna,
R/o. Dr.No.2-127, G. Kottala Village,
Guntakal Mandal, Ananthapur District.
4 Smt. A. Sunkamma, W/o. A. Gangaiah,
G. Kottala, R/o. Dr. No.1/5, Guntakal Mandal, Ananthapur District.
5 U.B.R. Gangaiah, S/o. U. Gangaiah,
G. Kottala, R/o.Dr.No.2/91, Guntakal Mandal, Ananthapur District.
6 P. Pedda Kondaiah, S/o. P. Venkata Chelamaiah,
G. Kottala, R/o. Dr. No.4/25, Guntakal Mandal, Ananthapur District.
7 B. Govinda Rajulu, S/o. B. Venkataswamy,
G. Kottala, R/o. Dr. No.2/200, Guntakal village, Guntakal Mandal,

Ananthapur District.
8 Smt. D. Lalithamma, W/o. D. Ramanjaneylu,
G. Kottala, R/o. Dr. No.3/66, Guntakal Mandal, Ananthapur District.
9 K. Ranga Rao, S/o. K. Chinna Rangiah,
G. Kottala, R/o. Dr. No.7/65, Guntakal village, Guntakal Mandal,

Ananthapur District.
10 C. Bhaskar Rao, S/o. Eswaraiah,
G. Kottala, R/o. Dr. No.2/65, Guntakal Mandal, Ananthapur District.
11 Tammineni Konaiah, S/o. T. Peda Ramaiah,

G. Kottala Cooperative Society, R/o. G. Kottala Village,
Guntakal Mandal, Ananthapur District.

..... PETITIONERS

AND

1 The District Collector, Anantapur District, Anantapur.
2 The Superintendent of Police, Anantapur District. Anantapur.

3 The General Manager, South Central Railway, Rail Nilayam,

Secunderabad.
4 The Divisional Railway Manager, South Central Railway, Guntakal,

Anantapur District.
5 District Medical & Health Officer, Anantapur, Anantapur District.
6 The Member Secretary, A.P. Pollution control Board, Mythrivanam

HUDA Complex, Ameerpet, Hyderabad.
7 The Zonal Officer, A.P. Pollution Control Board, Kurnool Zone,

Kurnool, Kurnool District.
8 The Member Secretary, Central Pollution Control Board,

Parivesh Bhavan, C.B.D-cum-Office Complex,
East Arjun Nagar, Delhi.110 032.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of respondents herein in allowing unloading and loading of iron ore, bringing the same from Karnataka State, at West Guntakal Railway Station and causing pollution to the air, water, soil etc., as illegal, null and void; and consequently direct the respondents 3 & 4 herein to shift the loading point to the quarry area itself and prevent pollution at West Guntakal Railway Station and its surrounding areas.

Counsel for the Petitioner:MR.R.V.CHALAPATHI

Counsel for respondent No.1: None appeared

Counsel for the respondent No.2: None appeared.

Counsel for the Respondent Nos.3 and 4: MR.A.Krishnam Raju

Counsel for the Respondent No.5: None appeared.

Counsel for Respondents 6 to 8: Mr.S.V.Bhatt.

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

This petition has been filed in Public Interest by public spirited persons for the benefit of the residents of G.Kottala village, Guntakal Mandal, Anantapur District. The petitioners have sought direction against the respondents for safeguarding the interests of the local residents against air pollution, water pollution, soil pollution and noise pollution being caused by the alleged inaction of the respondents. They state that iron ore quarry owners having their quarries in Karnataka State near Bellary have started extraction of iron ore and are transporting the same from their quarries to Guntakal through lorries. The lorries are causing noise pollution spreading to far off areas and causing air pollution, more particularly when the iron ore is unloaded at the railway station. The petitioners further state that despite representations, no steps have been taken by the respondents to abate the pollution.

After notice, an affidavit in reply has been filed by K.Raveen Kumar, Senior Divisional Operations Manager, South Central Railway, Guntakal and a report has been submitted by the Environmental Engineer, A.P. Pollution Control Board.

The Environmental Engineer, Pollution Control Board states that survey was conducted and it was found that the South Central Railway had given contract for transporting iron ore from the quarries to the loading point at Guntakal to M/s.Shakun Exports, which, in its turn, had given contract for transporting the iron ore from the mining lease areas to the loading point at Guntakal to Sri Sai Ram Trading and

Transports. Since air pollution was found to be there, it is stated that some suggestions were given to the railway authorities.

As per the affidavit of the Senior Divisional Operations Manager, South Central Railway, it is stated that in order to promote export of the country and improve freight movement on the Railways, the Guntakal Division encouraged loading at Guntakal (West) so that the revenue of the division is boosted. When the problem has come to its notice, a meeting was convened on 17-6-2004 with the iron ore exporters, who were transporting the ore to Guntakal, and instructions have been issued to them to follow the norms of Pollution Control Board and measures to be observed by the loaders in the process of loading and unloading.

Since it is not disputed by the respondents that there is some pollution caused and there is enough jurisdiction vested with the Pollution Control Board to issue necessary directions in terms of its powers contained in Section 31-A of Air (Prevention and Control of Pollution) Act, 1981 to any person or officer or authority as it may deem fit to ensure that the area is kept free from air pollution, it will be for the respondent- Pollution Control Board to ensure that its directions are duly complied with by the officers, authorities or persons to whom directions are issued and in case they are not complied with, whatever further action is required to be taken is taken in that direction. The pollution control Board shall issue necessary directions as are required to be given within a period of eight weeks from the date of receipt of a copy of this order. Ordered accordingly.

The writ petition is disposed of.

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DEVINDER GUPTA, CJ

22-7-2004

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C.V.RAMULU, J

Tvr

1 The District Collector, Anantapur District, Anantapur.
2 The Superintendent of Police, Anantapur District. Anantapur.

3 The General Manager, South Central Railway, Rail Nilayam,

Secunderabad.
4 The Divisional Railway Manager, South Central Railway, Guntakal,

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